

REMARKS

The Official Action mailed June 28, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on November 26, 2003; January 8, 2004; January 20, 2004; February 3, 2004; September 29, 2005; and April 3, 2006.

Claims 1, 2, 4-11, 13-20, 22-29, 31-38, 40-47 and 49-54 are pending in the present application, of which claims 1, 10, 19, 28, 37 and 46 are independent. (Although the Office Action Summary shows that claims 1-54 are pending, the Applicant notes that in the *Amendment* filed on April 3, 2006, claims 3, 12, 21, 30, 39 and 48 were canceled and incorporated into independent claims 1, 10, 19, 28, 37 and 46, respectively.) The Applicant notes with appreciation the indication of the allowability of claims 8, 9, 17, 18, 26, 27, 35, 36, 44, 45, 53 and 54 (page 6, Paper No. 20060625). For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to the *Amendment* filed April 3, 2006 (received by OIPE April 5, 2006), under 35 U.S.C. § 132(a) and asserts that the *Amendment* introduces new matter into the disclosure. Specifically, the Official Action asserts that "[t]he added material which is not supported by the original disclosure is as follows: i) a second laser oscillator generating a second continuous wave laser beam having a wavelength of fundamental wave, ii) second continuous wave laser beam having a wavelength of fundamental wave" (page 7, Paper No. 20060625). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

Original claims constitute their own description. MPEP § 2163 notes the following:

[E]arly opinions suggest the Patent and Trademark Office was unwilling to find written descriptive support when the only description was found in the

claims; however, this viewpoint was rejected. See In re Koller, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) (original claims constitute their own description); accord In re Gardner, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); accord In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). It is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification.

The original claims fully support the recitation of a laser beam having a wavelength of fundamental wave. Specifically, original dependent claims 3, 12, 21 and 30 recited "wherein the second laser beam has a wavelength of fundamental wave." Similarly, original dependent claims 39 and 48 recited "wherein the first laser beam has a wavelength of fundamental wave." In the *Amendment* filed on April 3, 2006, claims 3, 12, 21, 30, 39 and 48 were canceled and incorporated into independent claims 1, 10, 19, 28, 37 and 46, respectively. Therefore, the Applicant respectfully submits that the original claims are sufficient to show possession of the above-referenced features of the present invention.

In order to provide support in the specification itself, the Applicant has amended the specification to add "a wavelength of" at page 4, lines 3-12, which is consistent with original dependent claims 3, 12, 21, 30, 39 and 48.

Therefore, the *Amendment* filed April 3, 2006, does not add new matter to the disclosure. Accordingly, reconsideration and withdrawal of the objections under 35 U.S.C. § 132(a) are in order and respectfully requested.

Please incorporate the *Amendment* filed April 3, 2006. For the reasons set forth in the *Amendment*, the Applicant respectfully submits that all claims are in condition for allowance.

As the Examiner's basis for the rejection under 35 U.S.C. § 132(a) was the result of an oversight, the Applicant respectfully requests full consideration of the *Amendment* filed April 3, 2006, entry of the present *Amendment* and issuance of a new Official Action or Notice of Allowability.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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